

Claims 1-3 and 5-12, as currently amended, are directed to an invention that is independent or distinct from the invention of the original claims for the following reasons:

The original claims 1-12 (Species I) were drawn to an analyzing tool comprising a liquid inlet provided at a “central portion” and a plurality of channels communicating with the liquid inlet for moving a sample liquid from the central portion toward a peripheral portion, the plurality of channels being grouped into one or a plurality of collective channels extending from the central portion while branching towards the peripheral portion of the tool.

The amended claims 1-3 and 5-12 (Species II) are drawn to an analyzing tool comprising a liquid inlet provided at a “central portion”; a plurality of individual channels communicating with the liquid inlet for moving a sample liquid from the central portion toward a peripheral portion, and a common channel provided at the peripheral portion of the tool and communicating with the plurality of individual channels; a plurality of first gas exhaust holes each having an opening closed by a first seal; and a second gas exhaust hole having an opening closed by a second seal; wherein each individual channel includes a reaction site and a branch offset from the reaction site toward the liquid inlet, the branch communicating with a corresponding one of the plurality of first exhaust holes and wherein the common channel communicates with the second gas exhaust hole.

The only technical feature common for the above identified inventions is the centrally located inlet and the plurality of channels communicating with the inlet for

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moving a sample liquid from the central portion toward the peripheral portion,. The feature does not contribute any novelty over the prior art (see, for example, Figure 8 of Mlyake et al., US 6383452). Therefore, the unity of inventions is lacking. The restriction is required under 35 U.S.C. 121 and 372.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-3 and 5-12 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Thus, there are no pending claims directed to the invention elected by original presentation.

See 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Levkovich whose telephone number is 571-272-2462. The examiner can normally be reached on Mon-Fri, 2 p.m.-10 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Jill Warden/  
Supervisory Patent Examiner, Art Unit 1797